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SEP 24 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hermann D. Funke

Examiner: G. Evanisko

Serial No.: 10/059,586

Group Art Unit: 3762

Filed: January 29, 2002

Docket: P8110.00

Title: METHOD AND APPARATUS FOR CONTROLLING AN
IMPLANTABLE MEDICAL DEVICE IN RESPONSE TO THE
PRESENCE OF A MAGNETIC FIELD AND/OR HIGH
FREQUENCY RADIATION INTERFERENCE SIGNALS

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The following is in response to the Office Action mailed 24 August 2004, having a one-month statutory period for reply set to expire on 24 September 2004. The following election is respectfully submitted in advance of the expiration of said period for reply.

In the Office Action the Examiner asserts that three (3) patentably distinct species of the claims invention; namely, three embodiments:

Group I claims relating to adjusting a stimulation rate based on a magnetic signal;

Group II claims relating to adjusting a stimulation rate based on a high frequency (HF) signal; and

Group III claims relating to adjusting a stimulation rate based on a magnetic signal *and* a HF signal.

Applicant hereby elects without traverse to proceed with prosecuting the Group II claims (i.e., claims 22-39) directed to adjusting a stimulation rate based on a high frequency (HF) signal, per the claim listing hereinbelow.